

PROCEEDINGS ON THE OCCASION OF
THE INDUCTION OF
HON. WILLIAM I. SCHAFFER AS CHIEF JUSTICE
AND
HON. MARION D. PATTERSON
AS JUSTICE OF THE SUPREME COURT
OF PENNSYLVANIA

The proceedings on the opening of the court on Tuesday, January 2, 1940, when HON. WILLIAM I. SCHAFFER was inducted as Chief Justice, and the HON. MARION D. PATTERSON was inducted as Justice, were as follows:

Mr. Justice MAXEY directed the Prothonotary to read the commission of HON. WILLIAM I. SCHAFFER as Chief Justice of the Supreme Court of Pennsylvania, which was thereupon read by HON. CHARLES A. WATERS, Prothonotary of the court. Mr. Justice MAXEY administered the oath to Mr. Justice SCHAFFER, who then assumed his seat as Chief Justice.

Mr. Chief Justice SCHAFFER directed the Prothonotary to read the commission of HON. MARION D. PATTERSON as Justice of the Supreme Court of Pennsylvania. After the commission was read, the Chief Justice administered the oath of office to the HON. MARION D. PATTERSON, who assumed his seat as a Justice of the Supreme Court of Pennsylvania.

GEORGE WHARTON PEPPER, ESQ., addressed the court as follows:

MAY IT PLEASE THE COURT: Were there no limitations of space and time, all Pennsylvania lawyers would be here today and each would be paying his respects to Your Honors and voicing his greetings to Chief Justice SCHAFFER and to Associate Justice MARION PATTERSON. Since the personal appearance of so great a throng is a physical impossibility, I have been invited to represent the reluctantly absent. This I gladly do and here

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and now I enter my appearance for the entire Pennsylvania Bar.

This occasion, significant in itself, is made still more notable by the presence of the Governor of the Commonwealth. Elsewhere, and under other circumstances, the approach of the Executive to the Judiciary might be suspected as a sinister proceeding. In our case, however, it is merely a symbol of that degree of coöperation between the three branches of government which is essential to the success of our constitutional system. Distinguished members of the General Assembly are also present so that we are justified in the belief that Pennsylvania will show the nation and the world how the American system of government operates at its best.

The occasion is further dignified by the presence of the judges of many other courts. As I look into their faces it occurs to me that they are as learned as they are handsome—and possibly more so.

I never knew this court room to appear to better advantage. The number of charming women present is an encouraging evidence of their intelligent interest in judicial administration. Perhaps they recall that SIR WILLIAM BLACKSTONE, after making the most of the somewhat scanty array of legal rights which women enjoyed in the eighteenth century, exclaimed a trifle grimly: "So great a favorite is the female sex with the laws of England." On this occasion the proposition might well be inverted so as to read: "So great a favorite are the laws of Pennsylvania with the female sex." I hope, however, that at least some of the potential Portias present are moved not merely by general concern for abstract justice but by a distinctly concrete interest in the new Chief Justice.

I have just referred to you, Sir, as the *new* Chief Justice. With perfect sincerity I might have styled you the "young Chief Justice." Whatever the Family Bible may have to say about your age is ruled out as entirely irrelevant. The important fact is that you have in you

the spirit of youth and in spite of maturity you have the heart of a boy. This means much to the Junior Bar. Each of its members, rising to address this Court, will find his nerves steadied and his tension relaxed when he looks into the kindly eyes of a friend and contemporary.

Under our seniority system the installation of a new Chief Justice is not saddened, as in the federal jurisdiction, by the fact that he succeeds only upon the death of his predecessor. With us (as in the case of the retiring Chief Justice) the predecessor, after a term of distinguished service upon the Court, goes back into the ranks of the practicing Bar and opens a new chapter in an active and useful life. So today we are all in good spirits. If the year's not at the spring, if the morning's not at seven (although doubtless at that hour Your Honors were all busy meditating upon your opinions) and even if we cannot truthfully say that all's right with the world, yet we can confidently affirm that God's in his heaven and that all is well with the Supreme Court of Pennsylvania. It is customary for men of my age to look backward with regret and forward with apprehension. Particularly at this time it is conventional to be gloomy. This, however, is not my mood. I find myself looking ahead with a justifiable optimism, in no small degree based upon my confidence in the American judicial system and my unshaken conviction that the people of the United States mean to insist on its preservation.

We have, I hope, outgrown the dangerous delusion that we are called upon to make the world safe for democracy. We have come to realize, I believe, that our all-sufficient job is rather to demonstrate that democracy can be made safe for the world. An essential element in this process is the dispensation of equal justice under the law. An American judge, accordingly, carries upon his shoulders the heaviest possible weight of responsibility for his country's welfare. I do not dis-

tinguish in this respect between the State and federal judiciary. It has been customary to think of the Supreme Court of the United States as in a special sense the guardian of our liberties. Without detracting in the least from the importance of that tribunal, I am inclined to think that we have emphasized too little the greatness of the State courts of last resort. In the vast field of constitutional law Your Honors are constantly called upon to interpret both the State and federal constitutions and in so doing to vindicate both public and private rights. Quite apart from constitutional law there is an increasingly large area of the common law in which your decisions are accepted as final.

In the worthy discharge of so great a responsibility a court is tremendously strengthened and helped by an honorable tradition. In this respect the Supreme Court of this great Commonwealth has much to be thankful for. Today, however, we are thinking more particularly of the office of Chief Justice and we heartily welcome the accession of a man whose respect for the tradition of the office is deep and compelling and whose ideal of the proper discharge of the duties of that office is noble and exalted.

Mr. Chief Justice, before the accession of Chief Justice MCKEAN in 1777 seventeen men had from time to time been named as Chief Justices of the Provincial Supreme Court which had been established in 1684. Including MCKEAN, and your immediate predecessor, there have been twenty-three Chief Justices, of whom sixteen have served in my life time and before nine of whom I have appeared in my fifty years of practice. You, Sir, take your place in this long procession of distinguished Pennsylvania lawyers determined, I am sure, so to discharge the duties of your high office as to fulfill the confident expectations of the Bar of the Commonwealth. We elders have witnessed your entire career with interest and pride. Yourself a lineal descendant

of one of the first two United States Senators from Pennsylvania, we have seen you begin your professional life in the hard school of the country lawyer. We have noted your effective service as the District Attorney of Delaware County. We have watched your rise to eminence at the bar. We have known you as State Reporter and as Attorney General of the Commonwealth. Some of us sat under your able presidency as members of the Commission for Constitutional Revision. We hailed with satisfaction your elevation to this bench some nineteen years ago. In all those years we have noted your fidelity to duty, your courtesy to the Bar, your learning, your industry and sound judgment. Many of us have known you as a dear friend; and I am sure, Sir, that you would be not a little moved if you could fully realize the intense satisfaction which your friends are experiencing today. The Bar will gladly respond to every effort that you may put forth to raise the standards of our profession and, with the coöperation of your colleagues, to make this Court an even better instrument of public service.

Today we welcome not only you, Sir, but this new colleague of yours, Justice MARION PATTERSON of Blair County. His wide experience at the bar, his long and faithful service as a District Judge, his thorough understanding of the people of this Commonwealth, his vigor of mind and body and the personal qualities which endear him to a host of friends all combine to make him a welcome addition to this bench. To him, Sir, to you and to all your colleagues we pay our tribute of high regard and we predict for this great tribunal an era of faithful service to the People of Pennsylvania whom you love so well.

The Chief Justice replied: Senator Pepper—Gentlemen of the Bar.

I and my colleagues are most appreciative of what has been so graciously said on behalf of the Bar. Coming from the leader of our State Bar and one of the out-

standing lawyers of the Nation, our sensibilities are deeply touched. We hope to respond by a discharge of our responsibilities in administering justice in the Commonwealth's highest Court, in a manner to continue the confidence of the Bar. We realize, as possibly the Bar does not so fully appreciate, how linked together we are, as appellate court justices, with those lawyers who appear before us. It has been said, by judges in other appellate jurisdictions, that no Bar presents its cases on appeal in a more succinct, comprehensive and clear manner than do the advocates who have had their training and experience in our Court. It is seldom that an opinion is written in which the lines of thought, presented to us in argument, are not reflected, and where study and presentation by counsel on the one side or the other do not guide the Court to conclusion. The lawyers practicing before us who have thoughtfully studied their problems largely mould our ultimate conclusion. This is as it should be. The members of our Bar, in their field, are as much ministers of justice as are we. They too are shaping the law and fitting it into the pattern of human lives and institutions as time moves on. We shall strive to merit the continued respect, esteem and good will of the profession and to maintain those pleasant relations with all its members who appear before us, which we have in the past enjoyed. Speaking personally, I shall regard the Chief Justiceship as a great trust, mindful of the fact, that to sit at the head of this, the oldest appellate court in the country, is a responsibility second to none, conscious that we are administering justice in final form in a State larger than many nations, with a population exceeding ten millions of people, and with interests as important and diversified as can be found anywhere in the world.